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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

PABLO VILLANUEVA GONZALEZ,

Defendant and Appellant.

C087623

(Super. Ct. No. 08F07344)

Appointed counsel for defendant Pablo Villanueva Gonzalez asks this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) We affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

On September 6, 2008, defendant, armed with a firearm, shot John S. five times. Defendant believed he was in imminent danger of being killed or suffering great bodily

injury; he believed deadly force was necessary to defend himself. John S. died as a result of his wounds.

On March 24, 2017, the People charged defendant with murder. (Pen. Code, § 187.)¹ The People further alleged defendant personally used and discharged a firearm in the commission of that murder. (§ 12022.53.)

Trial began on April 10, 2018; both sides rested on May 9, 2018. The next day, defendant pleaded no contest to voluntary manslaughter (§ 192, subd. (a)) and admitted he personally used a firearm during the commission of the offense (§ 12022.5, subd. (a)). In exchange for defendant's plea, the People agreed defendant would be sentenced to no more than 15 years in state prison. The People also agreed defendant would receive custody credit for the time he served in custody in Mexico.

The trial court subsequently denied defendant's request for probation and sentenced him to an aggregate term of 10 years in state prison: six years for voluntary manslaughter and four years for using a firearm. The court imposed a \$1,000 restitution fine (§ 1202.4, subd. (b)) and imposed but stayed a \$1,000 parole revocation fine (§ 1202.45). The court also imposed a \$40 court operations fee (§ 1465.8) and a conviction assessment of \$30 (Gov. Code, § 70373). The court ordered defendant to pay direct victim restitution totaling \$5,887, a \$367.81 booking fee, and a \$67.03 jail classification fee.

Defendant appeals without a certificate of probable cause.

Counsel filed an opening brief setting forth the facts of the case and requests that we review the record and determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Counsel advised defendant of the right to file a

¹ Undesignated statutory references are to the Penal Code.

supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no such communication from defendant.

We have undertaken an examination of the entire record and find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

RAYE, P. J.

We concur:

DUARTE, J.

RENNER, J.